



Land Tenure Center

COUNTRY EXPERIENCE IN LAND ISSUES

GRENADA

by

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Acronyms:

FAO	Food and Agricultural Organization
GDP	Gross Domestic Product
GLIS	Grenada Land Information System
GOG	Government of Grenada
GULP	Grenada United Labour Party
HAG	Housing Authority of Grenada
MOA	Ministry of Agriculture
LDCA	Land Development Control Authority
NAWASA	National Water and Sewage Authority
OECS	Organization of Eastern Caribbean States
PRG	People's Revolutionary Government

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The author takes full responsibility for the content of this report.

EXECUTIVE SUMMARY

The State of Grenada comprises three islands with a total land area of 344 km². The Grenada economy has grown at an average annual GDP growth of 7.06% (1998-2000). This growth rate has been achieved through significant increases in manufacturing, tourism receipts and construction. The authorities are looking to a greater diversification of the economic base to address issues of poverty reduction and unemployment.

The strategy for achieving these goals will focus on attracting more investment in agriculture and tourism, and in new areas of agro-processing, internet-based marketing and data processing. Grenada, however, has the lowest level of state-owned lands in the OECS, with only 10% of the land area being owned by the State. This does not provide the State with significant land resources to address these problems. The development strategy would need to be supported by sound land policies and by improvement in the institutional structure for administering land ownership and land use control.

There are essentially four (4) pieces of legislation dealing with the administration of Lands in Grenada. These are the Deeds and Land Registry Act Cap 79, the Conveyancing and Law of Property Act Cap. 64, the Land Transfer Valuation Act. 39/1992 Repeal and the Property Transfer Tax Act 37/1998. The Land Registry is a registry of deeds and does not provide a means for identifying the location or any specific aspects of any parcel of land. Rather, it is the Valuation Division, which is able to identify the existence of 52,229 parcels of land in Grenada (4,659 in Carricou & Petit Martinique) covering some 73,315.61 acres.

Land Management in Grenada has always meant the management of Crown lands. Records of all holders of Government Lands are kept in the Lands and Surveys Department of the Ministry of Agriculture. Until recently, the use and development of lands in Grenada had been governed by two pieces of legislation. These were the Town and Country Planning Act, Cap 322 and the Land Development Control Act, Cap 160, which established the Land Development Control Authority (LDCA). The new Physical Planning and Development Control Act 25/2002, broadens the perspective of development control in Grenada. The two important differences in this Act is that it provides the LDCA with a mandate to prepare a Physical Plan for the whole of Grenada and to identify, protect, conserve and rehabilitate the natural and cultural heritage of Grenada.

According to the 1995 Agricultural Census, there are approximately 18,277, households (59% of total population) engaged in some form of agricultural activity. However, only 73% (13,338) of these households are considered farmers given their resource base. The census suggests that there is a significant number of households who may have an expressed need for agricultural land. Previous land distribution programmes have addressed this need but these have been too narrowly defined. The issue of creating *viable livelihoods* in the rural sector appears to be much wider than the sub-division of agricultural plots.

It is clear that most Grenadians prefer the most secure of all land tenure, freehold tenure. In Grenada 72% of the land under farms are owned outright, 15% are operated as family owned and only 12% are operated under lease arrangements. The approach to tenure security in the Land Settlement Act, is to lock-in “original possession” by imposing restrictions on the alienation of lands allotted and sold as small-holdings. The broader perspective would be to strengthen the institutions that would support property relations such as the cadastre, the land registry, registration of leases, etc. The core of this approach would be good legal support combined with an effective land information system.

Squatting, defined as the illegal occupation of land, occurs primarily on Government-owned lands. In the last two decades, the Ministry of Agriculture has regularized over 1,250 plots, 55% of which have been in the Grand Anse area. The Housing Policy and Strategy acknowledges however that the lack of land use planning or zoning by-laws, inadequate enforcement of existing laws and in respect to private lands, titling issues related to poorly registered inheritance over several generations, all contribute to increasing the incidence of squatting.

Land in Grenada is mostly in private hands. Even though the Government is the largest landowner, it is not expected to be the largest agricultural producer. Thus productive lands now in the possession of Government are expected to be transferred eventually to the control of private individuals. This requires that Government move from a position of articulating Land Policy with respect to Crown Lands only, to developing a National Land Policy with the active participation of all other stakeholders.

1. INTRODUCTION

1.1. Background

The State of Grenada comprises three islands with a total land area of 344 km². The island of Grenada itself is 307 km² (90% of the total area); Carriacou has an area of 35 km² and Petit Martinique comprises 2.3 km². Grenada has a landscape of fast flowing rivers and streams, which are the results of a steep hilly to mountainous topography. 77% of the land area of Grenada and 54% of Carriacou have slopes exceeding 20 degrees. Only 3% of the land area is at sea level and this includes the main towns and many of the key infrastructure facilities. Grenada has the lowest level of state-owned lands in the OECS. Only 10% of the land area is reportedly in Crown lands. The majority of the land 90% is privately owned.

Table 1: Grenada Basic Indicators

Population (Year 2000)	101,400	Real GDP (EC \$million) 2000	\$692.70
Urban Population	38,016	GDP Growth Rate (Avg. 96-'00)	5.6%
Rural Population	60,984	Total Area (acres)	84,000
Life expectancy	71.6	Crown Lands (acres)	8,030
Infant mortality (per '000 live births)	16.2	Privately Owned Land (acres)	75,970
Poverty Rate (%)	32.1	Agricultural Land (acres)	35,000
Unemployment rate	12%	Forest Area (acres)	6,950

Source: GOG 1996, Lands & Surveys Div., MOA (June 2000), OECS Human Development Report 2000.

Historically, land in form of estate agriculture has dominated the economic profile of Grenada. In 1850, nutmeg was introduced into Grenada and this has developed into an important commodity export even today. In 1923, bananas were introduced and the availability of export markets in the USA and the UK led to a rapid growth in this industry. By the early 1950 cocoa and bananas accounted for 90% of the value of total exports. Today Tourism dominates the economic profile of Grenada, accounting for an estimated 25% of GDP, 40% of export of goods and services, 9% of Government revenues and about 15% of employment.

1.2. Economic Performance

Grenada is one of the fastest growing economies within the OECS and its success has been largely due to the fact that it has succeeded in diversifying its export product base. Banana cultivation and export was the main economic activity until the early 1990s. It then declined rapidly during middle of the 1990s and virtually ceased in 1997 as a result of low productivity, poor fruit quality, disease and uncertainty regarding access to the preferential markets in the European Community.

The economy of Grenada has experienced significant growth in recent years. The average annual rate of growth (GDP) in 1998-2000 was 7.06%. This is a significant improvement from the previous 3-year period, 1994-1997 when the

rate was 3.37%. This growth rate has been achieved through significant increases in manufacturing, tourism receipts and construction.

The comparison with the economic performance in the OECS sub-region as a whole clearly shows some of the differences in the achievement in Grenada. Grenada's agricultural sector contributed about the same level (8% to GDP) as the average agricultural sector in the OECS. However, the Manufacturing sector in Grenada makes a larger contribution than the average for the OECS. This is the result of new electronic component manufacturing, which is exported directly to the USA market OECS.

Table 2: Comparative Economic Indicators

	Grenada	OECS
<i>Economic Sectors</i>	2000	2000
Agriculture	8.20%	7.60%
Manufacturing	9%	6.03%
Government	13%	14.96%
<i>Performance Indicators</i>		
Real GDP Growth (1996-2000)	5.70%	3.60%
Unemployment (2000)	12.00%	15.00%
Inflation (%; Avg Rate 1996-2000)	1.60%	2.10%
Tourism Growth ^a (1995-1999)	2.90%	1.40%
Export Volume growth (1995-1999)	21.80%	-1.80%

Source: Compiled from ECCB Data

a: Percentage growth in Stay-over arrivals

The other differences are that the size of Government is smaller; unemployment is lower and export growth greater than the average for the OECS member-states. In fact exports of manufacturing, nutmeg and fish products resulted in a 21% increase in export volumes between 1995 and 1999 as compared with a decline of 1.8% for the OECS on the whole.

1.3. Economic Challenges

The authorities are looking to a greater diversification of the economic base to address issues of poverty reduction and unemployment. The strategy for achieving these goals will focus on attracting more investment in agriculture and tourism, and in new areas of agro-processing, internet-based marketing and data processing. This strategy needs to be supported by sound land policies and by improvement in the institutional structure for administering land ownership and land use control.

The problem of poverty remains a major concern. The OECS Social Development Report estimates the level of poverty in Grenada at 32% of the population.¹ This is referring to "resource poverty" which measures things like access to housing, health, education and land.

¹ OECS Human Development Report 2000, Table 1.6 OECS Social Indicators, p.34
Grenada Country Experience Report.

The amount of land in agricultural use has been declining over the last 30 years. Grenada has been aware of this problem and has a history of state intervention in the land market to address the distribution of land. The “land for the landless” programme, which was introduced by the Grenada United Labour Party (GULP) when it was in Government in 1967. This programme acquired large estates for sub-division into small plots. The People Revolutionary Government (PRG) of 1979-1983 inherited these estates and vested them in the Grenada Farms Corporation. Following the collapse of the PRG in 1983, most of the estates were returned to their original owners by the new administration.

Table 3: Total Lands in Agriculture.

Agricultural Census	Agricultural Land (acres)	% Change
1961	60,200	
1975	46,600	-23%
1981	34,200	-21%
1995	35,000	2%

Source: Central Statistical Office

The current pressure for housing and tourism development continue to exert pressure on the pattern of land use. The Public Sector Housing Policy and Strategy suggests that the average annual demand for housing for the poor would be about 150 new dwelling units for the next two decades – representing about 12 acres at an average plot size of 3,000 sq. ft.² The report offers the following land-related factors as influencing the housing sector:³

- Grenadians have a culture of family land holding that complicates land title and discourages subdivision and sale;
- The nature of the economy has been changing from rural agricultural to urban services-based, putting a premium on land in areas close to economic development;
- Land prices have risen sharply in the two past decades, due mainly to the relative scarcity of housing plots, population and economic growth and by expatriate Grenadians and non-Grenadians investing for retirement;
- The lack of published land use plans probably restricts private and public initiatives that would otherwise bring new land onto the housing market.

Grenada’s economic challenges will all have to be addressed by policies in which land will be the central instrument for implementation.

2. LAND AND THE ECONOMY

2.1. Land Resource Issues

The total land area in Grenada is approximately 84,000 acres (33,994 ha). Unlike other OECS territories, the Government of Grenada does not own a significant proportion of this land. Crown lands are estimated at about 10% of total holdings,

² Public Sector Housing Policy and Strategy for Grenada, p. 10.

³ Ibid., p. 9

with private land ownership of the remaining 90%. This would mean that land is as widespread a decision-making asset in individual investors' portfolio as would be savings and other assets. Thus, as the economy becomes diversified through private initiatives into other productive sectors (Manufacturing and Tourism), the proportion of land utilized in agriculture will tend to decline. Grenada has already experienced this trend. According to the Agricultural Census of 1995, 41% (35,000 acres) of the total land area is currently classified as agricultural lands, down from 72% (60,200 acres) in 1961.

Nevertheless land in agriculture continues to be one of the pillars of Grenada's economy. In 1990 Agriculture accounted for 13.4% of GDP. This relative position declined to 8.2% by 2000. In spite of this, however, the sector's contribution to employment only fell from 18% to 17% and it continued in 2000 to account for approximately 45% of total domestic exports. Thus any reduction in the use and productivity of land in agriculture will be noticeable at the national economic level.

Land and Land Policy also have a role to play in the diversification of the tourism product. This ranges from the construction of hotel facilities to development of eco-tourism sites, natural trails and the maintenance of the natural environment.

The settlement pattern in Grenada continues to pose a challenge to rational land use. The majority of Grenada's 300 towns and villages are located in the coastal areas with linear inland extensions along valleys and ridges. Unpopulated areas generally reveal natural physical constraints such as steep slopes unsuited for human settlements. The decline in the utilization of land in agriculture has been accompanied by increasing poverty levels and migration from the rural area into the urban centers. About 60% of the population now lives in the two "urban" parishes of St. George's and St. Andrew's. The non-urban part of the parish of St. George's (adjacent to the capital) has experienced an annual growth rate of 2.1 % between the census years of 1991 and 2000 as compared with the overall population growth rate was 0.74%.

Poverty is also an issue that has to be addressed by land policy. The Poverty Assessment Report in 1998 indicated that the poor are young with 51% below the age of 20 years and represent 34% in St. George's Parish and 27% in St. Andrew's Parish. Grenada is looking at a significant rate of household formation among the poor, requiring land for housing and for subsistence. As a result, the issues of squatting, settlements and making land available for low-income housing are now on the national agenda.

2.2. Changing Land uses

The pattern of land use in Grenada has been influenced by the history of plantation cultivation, which established large tracks of land in single crop production. Private ownership of these estates remained intact until the State intervened in a series of land distribution programmes aimed at increasing the access of poorer and smaller farmers to land.

Table 4: Changes in Land Use Pattern 1961 - 1995

Land Use ('000 acres)	1961	1975	1981	1995	% Change '75-'95
Permanent Crops	28.1	23.2	21.6	22.3	-3.88%
Temporary Crops	13.1	10.2	--	2.4	-76.47%
Pastures	6.6	4.7	--	1.6	-65.96%
Forest/Bush	9.5	7.6	7.8	7.3	-3.95%
Non-Agri Lands	2.9	0.9	4.8	1.4	55.56%
Sub-Total	60.2	46.6	34.2	35.0	-24.89%
Other Lands	24.2	37.8	50.2	49.4	30.69%
Total	84.4	84.4	84.4	84.4	

Source: Grenada Agricultural Census '95 Report.

The 1967 attempt of the Government of the GULP to distribute “land to the landless” resulted in the acquisition of some 24 estates comprising 3,201 acres. Of this amount, only 20% was actually distributed⁴, the remainder becoming the basis for various state land programmes. This initial state action has been cited as the major factor in the initial decline in crop production between 1961 and 1981.⁵

Forest reserves have been stabilized after a significant loss of forest acreage between 1961 and 1975. About 6,946 acres (95% of this category) of Forest is vested in the State. The Grand Etang has been declared a Forest Reserve by a Act of Parliament. There are plans to declare other areas as Reserves and the Ministry of Agriculture is actively surveying these lands.

Table 5: Forest Lands Holding of the State

Forests	Estimated Size (acres)	Status
Grand Etang	3,816	Forest Reserve
Mt. Gazo	84	To be made a Reserve in 1 to 2 years
Mt. St. Catherine	2,800	Currently being surveyed
Annandale	40	To be made a Reserve in 1 to 2 years
Grand Bacolet	180	To be surveyed (including agri. Lands)
Plaisance	2	Declared forest by Lands & Surveys
Mt. Moritz	24	Declared forest by Lands & Surveys
Total	6,946	

Source: Lands and Surveys Division, Ministry of Agriculture (Nov. 2000)

The other two categories of Land Use, which have significantly changed in the post-independence period, are “Non-agricultural Lands” and “Other Lands”. With respect to non-agricultural lands, the Housing Authority of Grenada has been instrumental in alienating some 155 acres of former estates into housing.

⁴ “Assistance in the Development of Land Use Planning and Agricultural Production Zoning in the OECS” by Ferron C. Lowe, Grenada, October 2001, p.4

⁵ The Draft Land Policy for the Management of Crown Land in Grenada, April 2001 recognizes State action as a contributing factor to the decline of the farming system. (See Historical Background)

About 25 acres are reportedly under squatting conditions and the remainder of lands would have diverted from agricultural use by private owners in tourism-related activities.

2.3. Land for Housing

The preliminary results of the 2001 census indicate that there is a total of 31,122 households with a mean household size of 3.3 persons. The mean household size is the lowest in 30 years, from 4.7 in 1970 to 4.2 in 1981, to 3.9 in 1991. This fact, accompanied by internal migration from rural to urban areas and housing stock replacement, have all accentuated the housing needs of Grenada.

The Housing Strategy as expressed by Government is cognizant of these developments and has noted “insufficient affordable land is being made available to meet the housing needs of low income people, particularly in the parish of St. George’s. Generally, in southern St. George’s, housing is competing and ‘losing’ to commercial and industrial development, whereas in rural parishes housing is encroaching on agricultural lands.”⁶

Earlier estimates of housing needs by the Physical Planning Unit had suggested an annual average of about 260 new dwelling units during the period 2001-2011. This estimate has been revised upwards by the Housing Policy paper to 580 units annually.⁷ The housing demands for the poor during this decade has been estimated at 150 new units – representing about 12 acres at an average plot size of 3,000 ft². The remainder of the housing needs (430 units) would represent about 51 acres at an average plot size of 5,000 ft². Thus the new estimates suggest a need to alienate a maximum of 63 acres of land annually to fully satisfy the housing needs. Most Grenadians look to the State to provide new lands for housing.

Since the housing needs of low-income and poor citizens do not attract much activity from local land developers, the Government’s approach has been to establish the Housing Authority of Grenada (HAG) as the institutional structure to utilize Crown lands to address these needs. This facility still looks to the conventional financing mechanisms to support housing development. However, it is evident that Grenadians are using their Credit Union institutions⁸, and other non-conventional sources including financing through building suppliers, “sousou” savings schemes, remittances from overseas family members and annual earnings from the sale of agricultural products (e.g. nutmeg “back-pay”) to achieve their housing/shelter objectives.

The vesting of about 155 acres of Crown Lands in The Housing Authority of Grenada (HAG) over the past two and a half decades has boosted the Government’s policy of utilizing crown lands for housing. The Authority has used

⁶ Housing Policy and Strategy for Grenada, August 2002, p.8

⁷ *ibid.*, p.10

⁸ Grenada has 19 credit unions with a total membership of 19,500

about 57% (89 acres) to date to provide low and middle-income housing. HAG still has significant resources in the form of 66 acres still vacant.

2.4. *Divestment of Crown Lands*

The demographic changes and the competing needs for housing and agricultural plots are also reflected in attempts at divesting Crown Lands. The exact quantity of land over which the Government has direct control to date is not fully known.

This is because some lands acquired under previous administrations including the PRG, had been returned to their owners. Other acquisitions are yet to be satisfactorily compensated. The Ministry of Agriculture, Lands and Surveys Division has identified about 1,083 acres on 16 estates as “Crown Land Holdings”.

Table 6: Present Crown Land Holdings in Grenada

Name of Holding	Estimated Size (acres)	Name of Holding	Estimated Size (acres)
1. Grand Gras Estate	184	9. Amber Belair	16
2. Balck Bay Estate	138	10. True Blue	2
3. Mt. Reuil Estate	138	11. Belle Vue	2
4. Laura Estate	40	12. Loretto	1.5
5. Belle-Vue Estate (St. Andrew)	220	13. Malmount	1
6. Bocage Estate	79	14. Calliste	2
7. Beausejour	200	15. Diamond	35
8. Morne Rouge	25	16. Levera	Unknown
Total	1024	Total	59.5

Source: Land and Surveys Division, Ministry of Agriculture

The most recent land divestment programme was the Model Farm Project of 1985. Through this programme, 24 estates (approximately 3,200 acres) previously vested in the Grenada Farms Corporation were to be divested to farmers and other private persons. The issue is whether it makes sense, in the context of Grenada -- with its levels of internal migration, limited opportunities for off-farm employment to rural households and the mismatch between the fortunes of the tourism sector and the continuous decline of the agricultural sector -- to conceive of access to land in separate, inflexible programmes. Although it has been terminated, the experiences of the “Model Farms” programme is very instructive.

Table 7 indicates that only 88 of the 182 model farms were established under the programme. Instead 289 housing lots and 35 garden lots were also established. Officials have attributed this diversion to political and social pressures expressed through the political directorate. The obvious conclusion is that the recipients were intent on forcing the programme to create *viable livelihoods*.

Table 7: Utilization of Crown Lands under the Model Farms Programme

Name of Farms Divested	Estimated Acreage	Number of Model Farms	Number of House Lots	Number of Garden Lots
Belle Vue (St. George)	52.01	8	-	-
Mt. Horne	29.36	7	-	-
Fond Pecher	28.53	10	-	-
Malmount	67.18	11	7	1
Pointzfield	23.84	6	3	8
Paradise	53.12	13	-	-
Carriere	39.99	8	1	7
La Force	109.23	19	26	1
La Sagesse	30.1	6	8	12
Samaritan	-	-	35	5
Black Bay	-	-	43	-
Grand Bas	-	-	61	-
Laura	-	-	19	1
Cadrona	-	-	6	-
Bocage	-	-	4	-
Telescope	-	-	76	-
TOTAL	433.36	88	289	35

Source: Land and Surveys Division, Ministry of Agriculture

3. ASSESSMENT OF EXPERIENCES

3.1. Land Administration

There are essentially four (4) pieces of legislation dealing with the administration of Lands in Grenada. These are:

- Deeds and Land Registry Act Cap 79
- Conveyancing and Law of Property Act Cap. 64
- Land Transfer Valuation Act. 39/1992
- Property Transfer Tax Act 37/1998

The Land Registry is a registry of deeds and does not provide a means for identifying the location or any specific aspects of any parcel of land. The Registry, therefore, stands apart from most other institutions for administering land in Grenada.

The more central institution appears to be the Valuation Division of the Ministry of Finance. Land Transfer Valuation Act of 1992 provides for a better system of appraising property transferred where such a transfer attracts a tax. The taxing authority, The Comptroller of Inland Revenue, requires the Valuation Division of the Ministry of Finance to determine the prevailing market value of land for tax purposes. Thus it is from the Valuation Division that we are informed of the

existence of 52,229 parcels of land in Grenada⁹ (4,659 in Carricou & Petit Martinique) covering some 73,315.61 acres.

3.2. Land Management

State Land Management in Grenada means the management of Crown lands. Records of all holders of Government Lands are kept in the Lands and Surveys Department of the Ministry of Agriculture. This department also has responsibility for managing all government lands and collecting revenue from the same. In 2000 they collected EC\$1.5 million in revenues.

The other institutions involved in the management of Crown lands are the Ministry of Agriculture, which has responsibility for managing six (6) estates and the Forestry department with responsibility for managing all forest areas.

There is a Land Use Division within the Ministry of Agriculture, which uses the Grenada Land Information System (GLIS) to provide physical and economic suitability of estates under the control of the State. Based on the suitability assessment, the Division makes recommendation as to proposed uses and/or change of uses of Crown Lands. The Division has recommended that a proper environmental impact assessment be made of any of the estate lands are to be used for non-agricultural uses.

3.3. Land Use and Development Control

The use and development of lands in Grenada has been governed until recently by two pieces of legislation. These are:

- Town and Country Planning Act, Cap 322;
- Land Development Control Act, Cap 160;

The Land Development Control Act enacted in 1968 and amended in 1983 established the institutional structure for Development Control in Grenada. This is the Land Development Control Authority (LDCA). This statutory Board approves applications for development of land (including residential and commercial buildings). The sub-division of Agricultural lands is not included in its mandate although Crown Lands that are developed for housing do require such permission.

The Planning Unit within the Ministry of Finance generally undertakes the deliberative/field work of development control. In recent years (1997-2002) total permits have ranged between 520-585 annually.

⁹ Indication from the Valuation Division as of Wednesday November 21, 2001
Grenada Country Experience Report.

Table 8: Permits Granted for Building

	1996	1997	1998	1999	2000	2001	2002
Residential	350	448	504	434	482	491	453
Commercial	41	47	50	73	74	50	82
Industrial	2	1	2	3	5	2	2
Other	15	24	20	21	24	15	16
Total	408	520	576	531	585	561	553

Source: Central Statistics Office & Physical Planning Unit

Note: Approximately 95% actually built.

The new Physical Planning and Development Control Act 25/2002, broadens the perspective for development control in Grenada. While the Act maintains the DCA as the executing agency and defines the staff of the Physical Planning Unit as the staff of the Authority, the Act mandates the preparation of a Physical Plan for the whole of Grenada. The Act requires certain contents in the Physical Plan¹⁰, including, *inter alia*..:

- Setting out prescriptions for the use of land;
- Inclusion of all maps and descriptive matter to illustrate proposals;
- Allocate land for conservation or for use or development for agricultural, residential, industrial, commercial, tourism as may be relevant;
- Make provisions for the development of infrastructure, public buildings, open spaces and other public sector investment works.

The Act also authorizes the Authority to request, if it so desires, an Environmental Impact Assessment in respect to any application for permission to develop land in Grenada.

The Authority is also given the mandate to identify, protect, conserve and rehabilitate the natural and cultural heritage of Grenada. This is the wider perspective on land development. The Authority will have the ability to coordinate with other departments by creating a “Natural and Cultural Heritage Advisory Committee” comprising officers from other Ministries and members from civil society.¹¹

3.4. Environmental/Conservation Concerns

There are 10 pieces of legislation dealing with protection, management and use of natural resources in Grenada. The most important is the National Water and Sewerage Authority Act, Cap 208, which governs the development and management of water resources in Grenada. This legislation mandates the Government to promote a national policy for water and sewerage and to secure the execution of that policy by creating the necessary bodies for the provision of water supplies and the conservation, augmentation, distribution and proper use of water resources, including the preservation and protection of catchment areas and the provision of sewerage and treatment and disposal of sewage and other

¹⁰ Physical Planning and Development Control, Act 25 of 2002, Part III, Section 14(1,2)

¹¹ Ibid., Part VI, Sections 40 and 41.

effluents (Section 3). The Act created The National Water & Sewerage Authority (NAWASA).

The Forest, Soil and Water Conservation Act, Cap. 116 also makes provision for the conservation of the forest, soil, water and other natural resources. The responsible institution is the Forestry Department of the Ministry of Agriculture.

One of the ways in which Grenada protects its forest lands is through an Act for their preservation. This is the case with the Grand Etang Forest Reserve Act Cap. 124. Of interest is the fact that Section 2 creates the reserve and Section 3 stipulates that the lands so mentioned shall forever form part of Government land and shall be strictly reserved and set apart for the public purpose of forest conservation.

Government also protects areas through the National parks and Protected Areas Act, Cap. 206. Under this Act the Governor-General may declare any Government Land to be a National park and the Minister can declare any Crown Land to be a protected area for the purpose of preserving the natural beauty of the area, creating a recreational area, or preserving an historic landmark, place or object. The Act establishes a National Parks Advisory Council to advise on matters of administration, management and control of the national parks system and other related matters. (Section 8)

Other legal measures affecting the ability to manage the natural environment include the Beach Protection Act Cap.29, the Public Health Act, Cap 263 and the Grenada Solid Waste Management Authority Act (Act 11 of 1995).

4. LAND ISSUES

4.1. Security of Tenure

Tenure situations vary between freehold and leasehold, with the former predominating. In Grenada 72% of the land under farms are owned outright, 15% are operated as family owned and only 12% are operated under lease arrangements.

One approach to tenure security is to be found in the Land Settlement Act, Cap.161. Part 2 of the Act imposes restrictions on the alienation of lands allotted and sold as small-holdings. The only visible programme under the aegis of “Land Settlement” has been the Model Farms project. Although this project was expected to settle over 182 model farms, it only succeeded in settling 88 such farms.¹² These farms are “sold” to small farmers with particular limitations. In particular, small-holdings cannot be encumbered for a period of three (3) years

¹² See discussion in 2.4 Divestment of State Lands, Table 7.
Grenada Country Experience Report.

and cannot be sold for a period of fifteen (15) years following the date on which the owner receives possession.

The implied approach to tenure security therefore is to lock-in “original possession” by legal means. This approach does not allow the open market transactions in land to play a significant role in breaking the cycle of inter-generational poverty. Small land-holders who have gained access to land through projects under this Act are unable to reap benefits from any increase in the value of their land assets.

This approach in no way negates the need for a broader perspective, which would seek to strengthen the institutions that would support property relations such as the cadastre, the land registry, registration of leases, etc.

4.2. Family Lands

The prevalence of “Family land” in Grenada, i.e., land co-owned in undivided shares by the descendants of the original purchasers, is a phenomenon that dates back to the abolition of slavery. In Grenada 15% of the Land is classified as family land. There are no legal measures to recognize or to protect the integrity of “family lands”.

4.3. Land Markets

4.3.1. Land Transfers

The “old law” system of conveyancing still governs exclusively land ownership and transactions in Grenada. The practice of ‘old law’ conveyancing was simplified by the Conveyancing and law of Property Act, Chapter 64. In addition, the Deeds and land Registry ACT, cap 79, provides for the registration of certain legal instruments affecting land, including wills.

4.3.2. Land Valuation

Land Transfers do attract a tax in Grenada. The mandate of the Valuation Division is to value land and other immovable property for the purposes of transfer taxes. The Land Transfer Valuation Act, No 39 of 1992, provides that the open market value of the land should prevail over the sale price stated by both parties to the transaction. The Division recognizes that a Cadastral-based land records system would be an asset to supporting such valuations, as the true extent of the land being valued will be clearly known.

The Property Transfer Tax Act, no 37 of 1998, also imposes the tax payable on the transfer of land. Both Acts’ provide for the filing of objections to and appeals against the valuations set on land and the transfer taxes assessed by the relevant authorities. The Vendor can be exempted from payment of this levy if, after having consulted the Land Development Control Authority which is responsible for land use, the

Comptroller is satisfied that the land is not suitable, intended or designated for development.

4.4. Squatting

In Grenada the rural-urban migration is primarily the result of a failure of the rural economy to provide sufficient income opportunities (on-farm and off-farm employment) to rural households. About 60% of the population lives in the two “urban” parishes of St. George’s and St. Andrew’s. Squatting occurs primarily on Government-owned lands and has been a serious problem in the Grand Anse Valley in St. George. In the last two decades, the Ministry of Agriculture has regularized over 1,250 plots, 55% of which have been in the Grand Anse area.

The process of squatter regularization comprises surveying the plots, valuation by the Valuation Board (usually at below-market prices) and the ultimate transfer of the legal title to the occupants. Squatter communities usually lack planning or adequate physical infrastructure and regularization leaves these areas in the same position.

The Housing Policy and Strategy acknowledges the following problems that propel the phenomenon of squatting in Grenada¹³:

- Lack of land use planning or zoning by-laws, which poses a serious constraint to the efficient use of land;
- Inadequate enforcement of existing laws;
- With regards to private lands, titling issues related to poorly registered inheritance over several generations.

4.5. Land Information System

In 1994, an FAO assisted project entitled “Land Use Planning, Management and Information System” introduced computer modeling for land suitability and agricultural land use planning to the Ministry of Agriculture. This system, which is currently used by the Land Use Division of the Ministry, is referred to as the Grenada Land Information System (GLIS).

Essentially the GLIS can provide two suitability evaluations. The physical suitability expresses the degree to which a pattern of land use on a tract of land is sustainable without unacceptable risks to the ecosystem. The economic suitability, on the other hand, calculates the economic returns to any specific land use on a given tract of land. As the objectives of Land Policy become more inclusive, a more comprehensive land information system becomes an important component for the implementation of land policy.

¹³ Housing Policy and Strategy for Grenada, August 2002, p.12
Grenada Country Experience Report.

5. Conclusion

The programmes for land distribution in Grenada will continue to play an important role in achieving the long-term objective in the agricultural sector of achieving sustainable growth and developing the rural economy. Both land and human resources will be needed to increase exports of traditional and non-traditional crops, achieve self-sufficiency in selected foods and implement a structured agricultural diversification programme¹⁴.

The real challenge comes from the fact that land in Grenada is mostly in private hands. The Government, even though it is the largest single landowner, is not expected to be the largest agricultural producer. Thus productive lands now in the possession of Government are expected to be transferred eventually to the control of private individuals. These individuals will have a variety of needs transcending that of agricultural production. This requires that Government move from a position of articulating Land Policy with respect to Crown Lands for agricultural purposes, to developing a National Land Policy within an active land market where the predominant form of land management is that exercised by private owners.

¹⁴ Draft Land Policy for the Management of Crown Lands in Grenada, April 2001, Executive Summary.
Grenada Country Experience Report.